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April 9, 2010

The Honorable Jocelyn Boyd  
Interim Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Re: BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a  
AT&T South Carolina v. dPi Teleconnect, LLC  
Docket No. 2010-18-C

Dear Ms. Boyd:

AT&T South Carolina respectfully submits the following documents for filing in the above-referenced Docket:

1. AT&T South Carolina's Response to Motions to Dismiss and/or Stay and Reply to Responses to Motion to Consolidate.<sup>1</sup>
2. AT&T South Carolina's Motion to Dismiss or Sever Certain Counterclaims.

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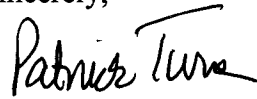
<sup>1</sup> This Response addresses both dPi's "Motion to Dismiss and/or Stay and Response to Motion for Consolidation" and NewPhones' "Motion to Dismiss and/or Stay and Response to Motion for Consolidation," in which dPi has joined. *See* Responses of Affordable Phone Services, Inc., d/b/a High Tech Communications, Dialtone and More, Inc., Tennessee Telephone Service, LLC d/b/a Freedom Communications, USA, LLC, and Onetone Telecom Inc. to AT&T's Motion for Consolidation, filed in Docket Nos. 2010-14-C, 2010-15-C, 2010-16-C, and 2010-17-C on or about February 25, 2010.

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April 9, 2010  
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3. AT&T South Carolina's Response to dPi's Answer/Counterclaims.

By copy of this letter, I am serving all parties of record with a copy of these pleadings as indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick W. Turner". The signature is written in a cursive style with a large, sweeping "P" and a long, horizontal stroke at the end.

Patrick W. Turner

PWT/nml  
Enclosure  
cc: All Parties of Record  
799754

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

BellSouth Telecommunications,	)	
Incorporated d/b/a AT&T Southeast d/b/a	)	
AT&T South Carolina v. dPi	)	Docket No. 2010-18-C
Teleconnect, LLC	)	

**AT&T SOUTH CAROLINA’S RESPONSE TO DPI’S  
ANSWER/COUNTERCLAIM**

BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T South Carolina (“AT&T South Carolina”) respectfully submits this Response to the Answer and Counterclaim (“Answer/Counterclaim”) filed by dPi Teleconnect, LLC (“dPi”) on or about February 25, 2010.

1. Any allegation in the Answer/Counterclaim to which a response is required of AT&T South Carolina is denied unless expressly and explicitly admitted herein.

2. The section entitled “dPi’s Answer” at pages 1-3 of the Answer/Counterclaim requires no response from AT&T South Carolina. Without waiving the foregoing, AT&T South Carolina denies dPi’s assertions, in Paragraph 2, that it has never applied for the “Word of Mouth Promotions” and that it has never withheld payment of the difference between the full amount of a cashback promotion and the amount actually credited by AT&T South Carolina.

3. The section entitled “Affirmative Defenses” at pages 3-4 of the Answer/Counterclaim requires no response from AT&T South Carolina. Without waiving the foregoing, AT&T South Carolina denies: that any of the affirmative defenses

alleged by dPi are valid; that it has violated any provision of law; and that dPi is entitled to attorneys' fees.

### **ANSWER TO DPI'S COUNTERCLAIM**

4. Paragraphs 27-34 of the Answer/Counterclaim (at pages 4-8) present dPi's legal argument regarding the cashback issue presented in Section IV.A of AT&T South Carolina's Complaint, and no response from AT&T South Carolina is required.

5. AT&T South Carolina denies that dPi is entitled to any of the relief it seeks in its Answer/Counterclaim, including without limitation the relief sought Paragraph 34 of the Answer/Counterclaim and in the "wherefore" clause at page 8.

### **AFFIRMATIVE DEFENSES**

7. dPi's Counterclaim fails to state a cause of action upon which relief can be granted.

8. dPi's Counterclaim is barred, in whole or in part, by the doctrines of unclean hands, laches, forbearance, waiver, and/or estoppel.

9. dPi's Counterclaim is barred, in whole or in part, by the applicable statute of limitations and/or the applicable "dispute" provisions of the parties interconnection agreement(s), including without limitation provisions addressing the presentment, pursuit, escalation, and preservation of billing disputes.

10. dPi's Counterclaim is barred, in whole or in part, by dPi's failure to mitigate any damages allegedly sustained.

11. To the extent the Commission awards dPi any relief with regard to its Counterclaim (and it should not), such relief should be only prospective in nature.

WHEREFORE, AT&T South Carolina respectfully requests that the Commission enter an Order denying all relief sought by dPi, dismissing all Counterclaims, and granting such further relief as the Commission deems appropriate.

Respectfully submitted this 9th day of April, 2010.

BELLSOUTH TELECOMMUNICATIONS, INC.  
d/b/a AT&T SOUTHEAST d/b/a AT&T SOUTH  
CAROLINA

A handwritten signature in black ink, appearing to read "Patrick W. Turner", is written over a horizontal line.

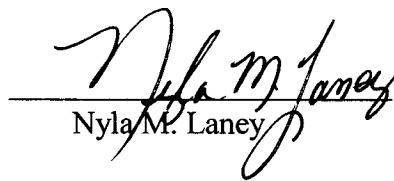
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